

34. (New) The panel of claim 33 wherein the molded panel has a Shore A hardness of about 45-70 when measured according to ASTM No. D2240 while measuring along a line that intersects the composite pad.

35. (New) The panel of claim 29 wherein the cover skin is bonded to at least a portion of the non-impregnable layer of the pad and a portion of the substrate.

Remarks

Favorable reconsideration of the above-identified application in view of the present Amendment is respectfully requested. Claims 14-21 are pending. By this paper, Applicants have amended claims 14 and 15 and have added new claims 22-35. No new matter has been added by virtue of the present amendments.

In the Office Action dated October 23, 2002, the Examiner rejected claims 14 and 15 under 35 U.S.C. § 102(a) and rejected claims 16 through 20 under 35 U.S.C. § 103(a). Applicants acknowledge with appreciation the indication of allowability of claim 21. Applicants have substantially rewritten the limitations from claim 21 as new independent claim 29. As such, claim 29 is allowable.

Applicants respectfully submit that claims 14-28 and 30-33 are also allowable for the following reasons.

Claim 14 stands rejected under 35 U.S.C. § 102(a) as being anticipated by Groendal et al (U.S. 5,935,364), hereinafter "*Groendal*". Applicants' amendment to claim 14 obviates the Examiner's rejection. Claim 14 now has the limitation that the composite pad be preformed. *Groendal* does not disclose a preformed composite pad. On the contrary, *Groendal* discloses a process for forming upholstered articles using a thermal forming process wherein an upholstery fabric and foam padding layer are held together in a preassembled state by a drawstring and then subsequently permanently formed using heat and pressure. *Groendal*,

col. 1, ll. 51-58. It is critical to *Groendal* that the composite pad not be preformed because that would prevent the person employing the method of *Groendal* from adjusting the fabric to remove wrinkles prior to the application of heat and pressure. *Groendal*, col. 4, ll. 57-67. Conversely, the use of a preformed composite pad consisting of an impregnable layer and a non-impregnable layer is important to the present invention because the preformed composite state of the pad is what allows the molten substrate to flow into the mold and through the impregnable layer without dislodging the pad. Because *Groendal* does not teach the use of a preformed composite pad, it does not anticipate newly amended claim 14. As such, it is respectfully submitted that the Examiner's 35 U.S.C. § 102(a) rejection of claim 14 over *Groendal* be withdrawn, that claim 14 is now in condition for allowance and Applicants respectfully request a notice to that effect.

Claim 15 has been amended to clarify the present invention. Claim 15 depends from claim 14 and is therefore allowable for the same reasons that claim 14 is allowable, as well as for its own limitation recited therein. As such, it is respectfully submitted that the Examiner's 35 U.S.C. § 102(a) rejection of claim 15 over *Groendal* be withdrawn, that claim 15 is now in condition for allowance and Applicants respectfully request a notice to that effect.

Claims 16-20 stands rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable over *Groendal* in view of Fisher (U.S. 4,850,578) ("*Fisher*"). While Applicants believe that the Examiner failed to identify any motivation for combining *Groendal* with *Fisher* other than the impermissible use of hindsight based on the present application¹, this argument is moot in view of the Applicants' amendment to claim 14. As set forth above, claim 14 has been amended to add the limitation that the composite pad be preformed. Neither *Groendal* nor *Fisher* disclose the use of a preformed composite pad. Consequently, the combination of *Groendal* with *Fisher* fails to disclose each element of claims 16 through 20. As such, it is respectfully submitted that the Examiner's 35 U.S.C. § 103(a) rejection of claims

¹ *Groendal* relates to a process for upholstering furniture. *Fisher* relates to an apparatus used as a support bed for a cutting machine. Neither patent suggests combination with the other.

16-20 over *Groendal* in view of *Fisher* be withdrawn, that claims 16 through 20 are now in condition for allowance and Applicants respectfully request a notice to that effect.

Claim 21 was objected to as being dependent on rejected base claim 14, but the Examiner indicated that it would be allowable if rewritten in independent form. While Applicants have substantially rewritten the limitations of claim 21 in independent form as independent claim 29, claim 14 has been amended and is in condition for allowance. As such, Applicants respectfully submit that the Examiner's objection to dependent claim 21 be withdrawn, that dependent claim 21 is in condition for allowance and Applicants respectfully request a notice to that effect.

New independent claim 22 has been added. Claim 22 contains limitations from old claim 18. In the October 23, 2002 Office Action, the Examiner stated, with regard to claim 18, that "Figure 4 of *Groendal* reads on the claim limitations." Applicant respectfully disagrees. New claim 22 (old claim 18) requires that "at least a portion of the rigid substrate is present throughout the impregnable layer." Contrary to the Examiner's assertion, Figure 4 of *Groendal* does not disclose any portion of the rigid substrate present throughout the impregnable layer. Instead, *Groendal*'s Figure 4 plainly shows a well defined boundary between the rigid substrate and the impregnable layer. Thus, every element of new independent claim 22 (old claim 18) is not disclosed by the combination of *Groendal* and *Fisher*. As such, Applicant contend that new independent claim 22 is not taught in the prior art, that it is in condition for allowance and Applicants respectfully request a notice to that effect.

New claims 23 through 28 depend from new independent claim 22 and are therefore allowable for the same reasons that new independent claim 22 is allowable. As such, it is respectfully submitted that claims 23 through 28 are in condition for allowance and Applicants respectfully request a notice to that effect.

As set forth above, claim 21 has been substantially rewritten in independent form as new claim 29 and is, accordingly, allowable.

New dependent claims 30 through 35 depend from new independent claim 29 and are therefore allowable for the same reasons that claim 29 is allowable. Accordingly, Applicants submit that new dependent claims 30 through 35 are in condition for allowance and respectfully request a notice to that effect.

In light of this Amendment, Applicants submit that this Application is now in condition for allowance and respectfully request a notice to that effect. If the Examiner believes that a telephone conference will advance the prosecution of the application, such a conference is invited at the convenience of the Examiner.

A check in the amount of \$ 146.00 is enclosed to cover the Extension of Time fee of \$ 110.00 and the additional claims filing fee of \$ 36.00. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 — a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

Srinivas Kotha

By:



Seth E. Rodack
Reg. No. 45,622
Attorney for Applicant

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BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

Attachment

VERSION WITH MARKINGS TO SHOW CHANGES MADE



14. (Twice Amended) An automobile interior molded panel comprising:
a rigid substrate;
a preformed composite pad comprising a non-impregnable layer and an
impregnable layer; and
a cover skin disposed over and bonded to the substrate and the pad.
15. (Amended) The panel of claim 14 wherein the cover skin is bonded
to at least [the] a portion of the non-impregnable layer of the pad and a portion of the substrate.

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